



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth Lawrence Accardi et al.

Serial No.: 09/199,506

Filed: November 25, 1998

For: MEDICAL DIAGNOSTIC SYSTEM
SERVICE METHOD AND
APPARATUS

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Group Art Unit: 2143

Examiner: Jaroenchonwanit, B.

Atty. Docket: 15-SV-4769/YOD
GEMS:0029

Reconsider.
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
March 18, 2005	<i>Lynda Howell</i>
Date	Lynda Howell

RESPONSE TO FINAL OFFICE ACTION DATED APRIL 9, 2002
AND
DECISION ON APPEAL MAILED JANUARY 18, 2005

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BOARD OF PATENT APPEALS
AND INTERFERENCES

This is in Response to the Final Office Action issued for the referenced application on April 9, 2002 and to a Decision on Appeal from the Board of Patent Appeals and Interferences mailed on January 18, 2005.

In the Decision on Appeal, the Board reversed the prior art rejection formulated against all the pending claims. However, the Board upheld the outstanding rejections under 35 U.S.C. §102(f) and on the basis of obviousness-type double-patenting.

By the present Response, Applicants submit an Affidavit under 37 C.F.R. §1.132 of Henry John Hummel, Jr. Mr. Hummel, one of the co-inventors named on the present application, declares

in the Affidavit that he was the Project Manager on the design project that gave rise to the claimed invention, and that he personally oversaw selection and naming of the other co-inventors. Applicants submit that the Affidavit of Mr. Hummel provides the additional evidence of invention to address and overcome the outstanding rejection under 35 U.S.C. §102(f).

Applicants fully intend to file an appropriate Terminal Disclaimer to overcome the obviousness-type double-patenting rejection. However, Applicants would request that the filing of such a Disclaimer be held in abeyance pending resolution of the outstanding rejection under 35 U.S.C. §102(f).

Respectfully submitted,

Date: 3/18/2005

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